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Application No.: 10/810,070

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Docket No.: 577182000100

REMARKS

Claims 2-29 are pending in the application. Claims 2-13, 16, 18-25, and 29 have been amended to correct informalities, and no claims were added or canceled. Claims 2-29 therefore remain pending.

Rejection of claims 2, 6, 15, and 16 under 35 U.S.C. Sec. 102(b)

Claims 2, 6, 15, and 16 were rejected under 35 U.S.C. Sec. 102(b) as being anticipated by Parker et al. 5,599,423. Applicant respectfully traverses.

A cited reference must disclose every feature of the claimed invention in order to anticipate a claim. Parker et al. fails to do this.

Independent claim 6 specifies a method that includes, *inter alia*, obtaining one or more characteristics of a structure on a substrate, and selecting a value for one or more chemical or physical properties for a pad to be used in chemical mechanical planarization of the substrate based on the obtained one or more characteristics of the structures on the substrate. Such characteristics include pattern density of the structure, size of the structure, film material and number of different materials).

Parker et al. fails to disclose these features. Parker et al. discusses simulations and planarization in which e.g. pad properties are monitored over time and accommodated and nonuniformity of the polishing process is determined and modeled (c.g. col. 2 lines 41-51). Parker et al. discusses planarization non-uniformity in terms of a wafer or substrate surface without ever mentioning a structure that may be present on the wafer or substrate (e.g. col. 2 lines 52-56). Parker et al.'s focus is on the substrate or wafer and not on any of the structures that may be present on substrate. Applicant has not been able to find a statement in Parker et al. that indicates a person of ordinary skill would necessarily obtain one or more characteristics of a structure on the substrate and also select a value for a property of a pad based on those characteristics of the structure present on the substrate.

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Since Parker et al. does not disclose all of the acts specified in the method of independent claim 6, Parker et al. cannot anticipate claim 6 or its dependent claims.

Independent claim 16 is not anticipated for the same reason. Independent claim 16 specifies a particular type of structure, a chip. Parker et al. is silent on performing a simulation using a characteristic of the chip to select a value for one or more characteristics of the pad. Parker et al. consequently cannot anticipate claim 16 and its dependent claims.

Independent claim 25 specifies *inter alia* that pattern density effects of different chip or substrate architectures are used to select a value for a property of the pad. Parker et al. fails to disclose this and therefore cannot anticipate independent claim 25 and its dependent claims.

Allowable subject matter

Claims 3-5, 7-14, and 17-24 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Applicant notes with appreciation the notation of allowable subject matter. Applicant maintains that all claims are patentable over the cited references and has therefore not amended these claims at this time other than to correct informalities.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to *Deposit Account No. 03-1952* referencing docket no. 577182000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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